

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KEVIN MOORE BEY,

Plaintiff,

v.

LT. CHARLES CARVER,

Defendant.

Case No. 4:23-cv-00347-JAR

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Charles Carver’s Motion to Compel Plaintiff Kevin Moore Bey to Provide His Discovery Responses. ECF No. 54. He explains that on July 15, 2024, Plaintiff was served with Carver’s First Interrogatories and First Requests for Admission, but by August 17, 2024, Plaintiff had not yet responded. On August 21, 2024, Carver’s counsel requested responses to the discovery requests by August 30, 2024. Since then, Plaintiff has still not served those responses or otherwise communicated with Carver’s counsel.

Federal Rule of Civil Procedure 37 allows a party seeking discovery to move for an order to compel if “a party fails to answer an interrogatory submitted under Rule 33.” Further, Rule 36 provides that a matter set forth in a request for admission is deemed admitted “unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection[.]” The Court will accordingly direct Plaintiff to serve his responses to Carver’s discovery requests no later than September 26, 2024, the discovery deadline under the Court’s current case management order. Failure to do so shall be deemed an admission of the matters set forth in Carver’s First Requests for Admission and shall result in other appropriate sanctions. *See* Fed. R. Civ. P. 37.


Accordingly,

IT IS HEREBY ORDERED that Defendant Carver's Motion to Compel [ECF No. 54] is **GRANTED**. Plaintiff shall serve his discovery responses to Carver's First Interrogatories and First Requests for Admission no later than **September 26, 2024**.

IT IS FURTHER ORDERED that no later than **September 27, 2024**, Defendant Carver shall notify the Court whether Plaintiff has complied with this order by serving the discovery responses at issue.

IT IS FURTHER ORDERED that the clerk of Court shall mail a copy of this order to Plaintiff.

Dated this 13th day of September 2024.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE